

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

Dominic Ali, Petitioner

v.

Docket No.: 1:12-cv-185-JL

Warden, Northern New Hampshire  
Correctional Facility

**RESPONDENT'S OBJECTION TO  
PETITIONER'S MOTIONS TO AMEND AND  
TO VACATE ENHANCED SENTENCE  
(Documents 60 and 61)**

The petitioner has asked this Court, in addition to the habeas corpus relief he has sought through his petition, to amend his petition, Doc. 60, and to vacate the enhanced sentence that he received in the superior court. Doc. 61. The respondent has previously argued that the challenge to the sentence was waived and that it was also without merit as both applied to his ineffective assistance of counsel arguments. *See* Doc. 57-1: 4-18.

With respect to the motion to amend, the respondent objects, although it is not clear that the petitioner is actually raising any new or amended claims. *See* Doc. 61. It appears to the respondent that he is raising the same objections to the state procedure that he raised in his petition. The only difference appears to be that he is now housed in a correctional facility that has a contract with Immigration and Customs Enforcement, *see* Doc. 60: 3, and it appears he may face deportation. If the petitioner wants to challenge a potential order of deportation, he must do so in the immigration court.

If the respondent correctly understands the motion to vacate, Doc. 61, the he is asking this Court to vacate the sentences in the state courts. The petitioner does not cite any authority for that exercise of authority and, indeed, the respondent is aware of none. The petitioner further

reiterates his claims that his lawyers were “incompetent,” Doc. 61: 4, and he seems also to attack the integrity of the grand jury system, *id.*

The petitioner also suggests that he did not know that there could be immigration consequences stemming from a conviction for domestic violence. Doc. 60: 8. He argues that counsel in 2004 did not inform him that his *nolo contendere* plea could be used to enhance future convictions for domestic violence. Doc. 60: 10. He then reargues his case, presented to this Court in his initial petition and subsequent pleadings.

To the extent that this pleading represents an attempt to amend his petition, the respondent opposes it. The respondent filed its motion for summary judgment on August 21, 2013, *see* Doc. 41, and its supplemental motion on June 9, 2014, *see* Doc. 57. The respondent has made the arguments that he feels are appropriate and he should be allowed to await this Court’s ruling before having to respond to new or revised claims.

If the petitioner is truly asking this Court to summarily vacate the sentence imposed in superior court, the respondent is aware no authority for such an action.

WHEREFORE, the respondent respectfully requests that the requests represented in Documents 60 and 61 be denied.

Respectfully Submitted,

Warden, Northern New Hampshire Correctional  
Facility, Respondent.

By his attorneys,

Joseph A. Foster  
Attorney General

/s/ Elizabeth C. Woodcock

Elizabeth C. Woodcock

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August 11, 2014

**CERTIFICATE OF SERVICE**

I, the undersigned, do hereby certify that I have served the petitioner, who is *pro se* by sending a copy to him at his address: Dominic S. Ali, #64554, P.C.C.F., Plymouth, MA 02360.

/s/ Elizabeth C. Woodcock  
Elizabeth C. Woodcock